IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Bail Appl..No. 4737 of 2007()

PETITIONER : APPLICANT/ACCUSED NO.4

BABU, S/O SARASAMMA, AGED 32 YEARS,
4 CENT COLONY, ANAPETTAKONKAL, EDAMON VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.R.SURAJ KUMAR

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4737 of 2007

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Dated this the 6th day of August, 2007

ORDER

Application for regular bail. The petitioner is the 4th accused. It is alleged that 7,500 litres of wash and 25 litres of arrack were allegedly seized by the Police on 16.01.06. The miscreants allegedly took to their heels on seeing the Police/ raiding party. The petitioner could not be arrested. He has not been shown as accused in the seizure mahazar/ FIR. His contumacious involvement was subsequently ascertained. He was not available for arrest during the pendency of the investigation into the crime. Investigation is now complete. Final report has already been filed. Cognizance has been taken. Committal proceedings has been registered. The petitioner appeared before the learned Magistrate on 24.07.07. He continues in custody from that date.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that regular bail can now be granted to the petitioner subject to appropriate conditions which shall ensure the presence of the petitioner for the trial.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall execute a bond for Rs.2,00,000/- (Rupees two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall report before the SHO Thenmala Police Station on the 1st Sunday of all English Calender months between 4 p.m and 5 p.m until the case against him is finally disposed of.

The petitioner airs the apprehension and to allay that apprehension and to avoid needless waste of time, it is directed that even if the accused has been remanded to custody, the learned Magistrate shall permit him to the execute bond before the learned Magistrate and ensure his release from custody forthwith.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE